

MINUTES

REGIONAL AIR QUALITY COUNCIL

Thursday, November 9, 2006

RAQC MEMBERS/ALTERNATES PRESENT:

Jim Scherer, *CHAIRMAN*
Dennis Arfmann, *Hogan and Hartson*
Theresa Donahue, *Citizen*
Doug Lempke, *Colo. Dept. Public Health & Environment*
Sue Sandstom, *City of Aurora*
Dave Sladek, *The Clayton Group*
Melanie Worley, *Douglas County/DRCOG*

RAQC MEMBERS/ALTERNATES NOT IN ATTENDANCE:

Randy Ahrens, *City & County of Broomfield*
Dennis Ellis, *Colo. Dept. Public Health & Environment*
Tom Norton, *Colo. Dept. of Transportation*
George Gerstle, *Colo. Dept. of Transportation*

OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Sara O'Keefe, RAQC; Sarah Schmitz, RAQC; Sarah Sullivan, RAQC; Steve McCannon, RAQC; Jerry Dilley, RAQC; Margy Christiansen, RAQC; Jim Brandon, ESP; Mike Silverstein, APCD; Shirleen Tucker, APCD; Lisa Silva, APCD; John Jacus, Davis Graham & Stubbs; Barbara Charnes, CCA; Doug Decker, APCD; and Darby Doll, Johnston Wells.

The meeting was called to order at 3:10 p.m. by Chairman Jim Scherer. A quorum was present at 3:12 p.m.

Approval of Agenda and Minutes

Doug Lempke moved to approve the agenda. Seconded by Sue Sandstrom. Motion passed.

Dennis Arfmann moved to amend the minutes by correcting the attendance list to include Cindy Allen, APCD; Jim Schrack, City of Aurora; Chris LaPlante, APCD; and Carl Larson, APCD. Seconded by Melanie Worley, Amendment passed.

Dennis Arfmann moved to approve the minutes as amended. Seconded by Doug Lempke. Motion passed.

Informational Items

Chairman

None.

Executive Director

Ken Lloyd reminded Council that there will be meeting on December 7.

Committees

None.

Members

None.

Public Comment and Discussion

None.

Update on Proposed Revisions to Regulation No. 7 as Part of the Early Action Compact for Ozone

Gerald Dilley updated Council on the status of proposed revisions to Regulation No. 7 as part of the EAC for ozone. He explained that the APCD proposal to the AQCC would tighten existing control requirements in response to the unanticipated growth in flash emissions; maintain the controlled emissions levels presented in the EAC; and add control requirements for the oil and gas industry on a state-wide basis.

Gerald indicated the major issues being discussed during the pre-hearing meetings include determination of approach (system-wide or threshold), growth projections, use of alternative modeling, and an alternative approach presented by Environmental Defense.

Approach outlined in the RAQC's October 11, 2006 pre-hearing statement:

- ❖ Preserve the EAC;
- ❖ Maintain the 91.3 tpd level in the OAP;
- ❖ Support flexibility including consideration of a system-wide approach to control;
- ❖ Consider increasing the default "rule effectiveness";
- ❖ Review growth projections;
- ❖ Oil & gas industry is not the sole focus of the control efforts in the OAP; and
- ❖ Support the state-wide control requirements.

Council discussed the various issues. Ken Lloyd indicated that Regulation No. 7 currently contains a system-wide approach to regulation. The APCD recommends moving to a threshold method while industry prefers to keep the system-wide approach. Environmental Defense's position is to make the changes sooner than the dates outlined by the APCD staff.

Ken indicated that any changes to Regulation No. 7 made by the AQCC will have to go through legislative review before going to the Governor for submittal to EPA since Regulation No. 7 is included in State Implementation Plans.

Dennis Arfmann moved to support the approach outlined in the RAQC's prehearing statement. Seconded by Melanie Worley. Motion passed with one abstention (Doug Lempke).

Implementation Plan for H.B. 1302 and Proposed Revisions to Regulation No. 11 Concerning Additional Model Year Exemptions

Doug Decker, APCD staff, gave Council an update on the H.B 1302 remote sensing implementation plan. The goals of the plan are to ramp up Clean Screen efforts; design and implement a high emitter identification program; and terminate the traditional inspection and maintenance program. He explained that the bill provided for a phased increase in clean screening and for substantially increased use of remote sensing devices for identification of vehicles who comply with air quality criteria outlined by the Air Quality Control Commission.

An implementation plan for increasing Clean Screen and design of a High Emitter plan are scheduled for presentation to the AQCC in December 2006. This plan will include goals, scope, authority, background, plans for short/medium-term improvements and longer-term high emitter program design.

The High Emitter program changes to Regulation No. 11 are estimated to be presented to the AQCC by August 2008.

Doug Decker outlined some of the challenges for the remote sensing program. He indicated a draft plan would be available November 16 at the AQCC hearing. The AQCC will review and comment on the plan at a public hearing on December 14.

There was discussion about including specific dates in the plan; whether the plan was fair to all citizens, specifically those who do not use the highways; and how confirmatory test will be handled.

Ken Lloyd distributed the RAQC staff's recommendations and asked for direction from the Council (attached as reference).

Doug Lempke indicated the pay upon registration needs to go through rule making with the AQCC. Shirleen Tucker, APCD, clarified that a Clean Screen Authority has been set up by the state to deal with any TABOR issues that might arise by this type of program.

Dennis Arfmann moved to support the staff recommendations as presented. Seconded by Dave Sladek. Motion passed.

Update on Clean Air Fleets Diesel Retrofit Program

Steve McCannon provided Council with an update on the Clean Air Fleets Diesel Program. He explained the technology being used through the retrofit programs. He outlined the RAQC programs, including Clean Air Fleets on- and off- road programs, Rocky Mountain Diesel Collaborative work, and Clean Yellow Fleets for Blue Skies. Steve also recapped the number and type of retrofits used and emissions benefits for the programs.

Steve outlined the challenges for moving the program forward and shared some of the lessons learned from the current program elements.

There was discussion on the emissions reductions. Steve stated that with some of the programs reducing the exposure to emissions for children, as well as adults, was the most important goal.

White Paper on Regional Air Quality Council

Ken Lloyd stated in 1998 when the Governor's administration changed the RAQC provided a White Paper outlining the RAQC's history, accomplishments, and challenges to the new Governor. Ken distributed an outline for a White Paper and asked Council for comments and direction.

Overall the Council liked the draft. Council suggested including the following information:

- A trends chart
- CAA, section 174 information
- Funding sources
- Highlight why the RAQC's role is important
- Local government support
- Current coordination with the Northern Front Range

A draft will be available for review at the December 7 meeting.

Adjournment

There being no further business before the Council, the meeting was adjourned at 5:20 p.m. The next meeting will be on Thursday, December 7, 2006.